

REMARKS

Claims 93-105 and 114-149 are pending and rejected. After entry of the amendment, claims 93, 95-105, 144, 145, 148 and 149 will be pending.

Claim 93 has been amended to incorporate the recitation of claim 94.

Accordingly, no new matter is added.

Claim Rejections - 35 U.S.C. § 112

Claims 93-105 and 114-149 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for synergistic combinations of topoisomerase inhibitors or a microtubule inhibitors with an immunoconjugate targeting a cancer cell antigen, wherein said immunoconjugate comprises a maytansinoid, allegedly does not reasonably provide enablement for a synergistic combination of any chemotherapeutic agent with an immunoconjugate targeting a cancer cell antigen, wherein said immunoconjugate comprises a maytansinoid. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

The Examiner states that the specification specifically demonstrates a synergistic interaction between N90-DM1 immunoconjugate in combination with paclitaxel, docetaxel, (both taxanes), topotecan (a camptothecin) and the combination of cisplatin and etoposide. However, the Examiner asserts that no demonstration of synergisms was provided for cisplatin in the absence of a topoisomerase inhibitor.

In the following reasons, the rejection is overcome.

Claim 93 has been amended to incorporate the recitation of claim 94. The declaration under 37 C.F.R. § 1.132 filed May 17, 2006 demonstrates a synergistic interaction between N90-DM1 and each of camptothecin, oxaliplatin (a platinum compound), etoposide (an epidophyllotoxin), and Taxol (a taxane). Thus synergism between N90-DM1 and each of the categories of chemotherapeutic agents recited in amended claim 93 has been demonstrated..

Accordingly, the Examiner is requested to reconsider and remove this rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

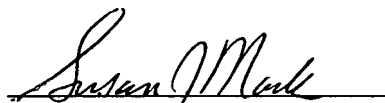
Respectfully submitted,

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